

PCT #9
DT14 Rec'd PCT/PTO 25 AUG 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---------------------------------|---|---------------------|
| In re Application of: |) | ATTY'S DKT: HALID=1 |
| Michael HALID et al. |) | |
| I.A. : PCT/CH00/00354 |) | |
| Appln. No.: 09/786,131 |) | |
| |) | Washington, D.C. |
| I.A. Filed: June 30, 2000 |) | |
| Deposited in PTO: March 1, 2001 |) | |
| |) | August 25, 2003 |
| For: PROTECTIVE UNDERPANTS |) | |
| AND METHOD FOR PRODUCING... |) | Attn: PETITIONS |

**REQUEST TO VACATE
NOTIFICATION OF DEFECTIVE RESPONSE**

Honorable Commissioner of Patents
Washington D.C. 20231

Sir:

Applicant is in receipt of the Notification of Defective Response, mailed July 23, 2003, which indicates that pages 5 and 6 were not provided with the English translation of the application. It is respectfully submitted that pages 5 and 6 were filed with the translation on June 17, 2003, as a response to Notice to File Missing Requirements mailed January 17, 2003.

Moreover, and perhaps more importantly, pages (or sheets) 5 and 6 were part of the PCT application forwarded to the PTO from the International Bureau and thus were already in the possession of the PTO, and the figures on these sheets need no translation.

As it appears that the drawing pages 5 and 6 were somehow separated from the file after receipt by the PTO, a copy of these pages is attached herewith.

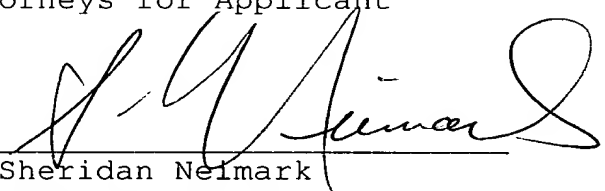
In view of the fact that the drawings were forwarded as part of the application by WIPO, it is clear that the presently missing pages were originally filed.

However, if this Request is denied, applicants ask that the attached Provisional Reply to the Notification of Missing Parts be accepted and entered.

It is respectfully requested that any deficiency in fees be charged to the deposit account of the undersigned (02-4035).

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant

By


Sheridan Neimark
Registration No. 20,520

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty's Docket: HALID=1

| | | |
|----------------------------------|---|-----------------------|
| In re Application of: |) | Confirmation No. 8053 |
| Michael HALID |) | |
| Application No.: 09/786,131 |) | Application Division |
| IA Filing Date: June 30, 2000 |) | Washington, D.C. |
| For: PROTECTIVE UNDERPANTS AND |) | August 25, 2003 |
| METHOD FOR PRODUCING THE SAME... |) | |

PROVISIONAL SUBMISSION OF MISSING DRAWING SHEETS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The present communication is in response to the "NOTIFICATION OF DEFECTIVE RESPONSE" dated July 23, 2003.

[XX] Attached hereto as required by the Notice is/are:

☐ ___ substitute drawing sheets (Figures ___) in compliance with 37 C.F.R. §1.84.

[XX] New pages 5 and 6 which contain drawings.

☐ Also attached hereto is/are:

☐ Preliminary Amendment

☐ An Information Disclosure Statement with Form SB/08A and ___ references.

☐ Other documents: _____

☐ Applicant claims small entity status. See 37 C.F.R. §1.27.

☐ It is hereby petitioned for an extension of time in accordance with 37 C.F.R. §1.136(a). The appropriate fee required by 37 C.F.R. §1.17 is calculated as shown below:

Small Entity

Response Filed Within

| | | | |
|--------------------------|--------|---|----------|
| <input type="checkbox"/> | First | - | \$ 55.00 |
| <input type="checkbox"/> | Second | - | \$200.00 |
| <input type="checkbox"/> | Third | - | \$460.00 |
| <input type="checkbox"/> | Fourth | - | \$720.00 |

month after time period set

Other Than Small Entity

Response Filed Within

| | | | |
|--------------------------|--------|---|-----------|
| <input type="checkbox"/> | First | - | \$ 110.00 |
| <input type="checkbox"/> | Second | - | \$ 400.00 |
| <input type="checkbox"/> | Third | - | \$ 920.00 |
| <input type="checkbox"/> | Fourth | - | \$1440.00 |

month after time period set

[XX] Conditional Petition for Extension of Time:

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ Credit Card Payment Form, PTO-2038, authorizing payment the amount of _____ is enclosed to cover the above fees.

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 §CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: _____

Sheridan Neimark
Registration No. 20,520

SN:alc

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528



UNITED STATES PATENT AND TRADEMARK OFFICE

RULH

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

09/786,131

FIRST NAMED APPLICANT

Michael Halid

ATTY. DOCKET NO.

HALID 1

INTERNATIONAL APPLICATION NO.

PCT/CH00/00354

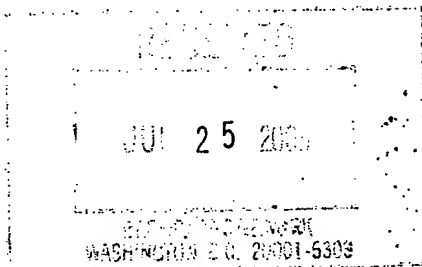
I.A. FILING DATE

06/30/2000

PRIORITY DATE

07/01/1999

Browdy and Neimark
 624 Ninth Street NW
 Suite 300
 Washington, DC 20001



CONFIRMATION NO. 8053

371.FORMALITIES LETTER



OC000000010538447

Date Mailed: 07/23/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 03/01/2001
- English Translation of the IA filed on 06/17/2003
- Copy of the International Search Report filed on 03/01/2001
- Information Disclosure Statements filed on 06/17/2003
- Oath or Declaration filed on 06/17/2003
- Copy of references cited in ISR filed on 03/01/2001
- U.S. Basic National Fees filed on 03/01/2001

MSPNOMEXT = 23AU 2003

TKL = 16AU 2003

Applicant's response filed 06/17/2003 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/17/2003 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. The current translation of the application into English is defective as described below. Note a processing fee will be required if submitted later than 30 months from the priority date.
 - missing pages 5 and 6 of the drawings

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

TAMALA D HOLLAND

Telephone: (703) 305-5483

PART 1 - ATTORNEY/APPLICANT COPY

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|---|---|-----------------------------|
| U.S. APPLICATION NUMBER NO. 09/786,131 | INTERNATIONAL APPLICATION NO. PCT/CH00/00354 | ATTY. DOCKET NO. HALID 1 |
|---|---|-----------------------------|

FORM PCT/DO/EO/916 (371 Formalities Notice)